

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CLEMENT WOGHIREN,	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 04-12148 WGY
	)	
WYETH and WYETH BIOPHARMA,	)	
Defendants.	)	
	)	

**STIPULATION OF UNDISPUTED FACTS**

1. Wyeth, headquartered in Madison, New Jersey, is a large research-based pharmaceutical and health care products company. It had annual sales of nearly \$17.4 billion in 2004, and its products are sold in more than 140 countries. Among its product lines are Enbrel®, ReFacto®, and BeneFix®, manufactured at its BioPharmaceutical facilities. In addition, over the counter pharmaceuticals include Advil®, Centrum®, and Robitussin®. It has three divisions: Wyeth Pharmaceuticals; Wyeth Consumer Healthcare; and Fort Dodge Animal Health.

The Andover campus is part of Wyeth BioPharma, which is the organization within Wyeth that engages in the development, manufacturing, and commercialization of biopharmaceuticals. The campus employs nearly 1,800 staff, including researchers, scientists, engineers, technicians, and other biopharmaceutical professionals. The campus is made up of the following operational teams:

- **Process and Product Development**

This group is responsible for the invention, initial implementation, and scientific support of the commercial production process for biopharmaceutical proteins.

- **Commercial Drug Substance Manufacturing**

Responsibilities of this group include product-specific teams, and production support and facility support teams.

- **Commercial Quality**

The Commercial Quality group comprises five teams: QA Compliance, Quality Control, QA Validation Compliance and Quality Records Management, Quality Project Services, and QA Operations. These teams support the manufacturing divisions of Wyeth BioPharma's systems and products. Dr. Woghiren became a member of one of the Quality Control team, working in a group called "Analytical Sciences And Technology," and often referred to as "AS&T."

Other operational teams at the Andover Campus included Engineering, Production Planning and Control, and Site Services, which included Human Resources.

2. Dr. Clement Woghiren ("Dr. Woghiren") began working at Wyeth BioPharma in Pearl River, New York on December 3, 1996 as a Senior Research Scientist I in the Analytical Research and Development Department.

3. Dr. Woghiren is black and is of African background.

4. Dr. Woghiren received annual performance evaluations, which were conducted for all Wyeth employees who were in positions similar to that of Dr. Woghiren.

5. On Dr. Woghiren's calendar year 1999 employment evaluation, he received an overall rating of "3" which was a determination that he "met expectations."

6. On Dr. Woghiren's calendar year 2000 employment evaluation, he received an overall rating of "3" which was a determination that he "met expectations."

7. On Dr. Woghiren's calendar year 2001 employment evaluation, he received an overall rating of "3" which was a determination that he "met expectations."

8. On or about July 13, 2001, Dr. Woghiren successfully applied for a the position that Wyeth described in an internal posting as being that of "Principal Scientist" in the Quality Control Analytical Science and Technology Laboratory ("QC AS&T") at Wyeth's facility in Andover, Massachusetts.

9. On or around November 1, 2001, Dr. Woghiren transferred to the Wyeth facility in Andover, Massachusetts and began working in QC AS&T, with his official title being that of "Principal Scientist."

10. In November 2001, Robert Corcoran was the Associate Director of QC AS&T and became Dr. Woghiren's supervisor.

10. On January 4, 2002, Mr. Corcoran left Wyeth's employ.

11. On or around January 5, 2002, Peri Ozker, the Director of Quality Control Laboratories and Mr. Corcoran's former supervisor, assumed Mr. Corcoran's duties.

12. On May 30, 2002, the Associate Director QC AS&T position was posted.

13. On or around May 31, 2002, Dr. Woghiren applied for the Associate Director QC AS&T position.

14. On August 16, 2002, Dr. Woghiren interviewed for the Associate Director QC AS&T position.

15. On August 22, 2002, Dr. Denise Maratea (“Dr. Maratea”) interviewed for the Associate Director QC AS&T position.

16. On October 21, 2002, an Employment Action Notice was submitted to the Human Resources Department proposing that the Associate Director QC AS&T position be upgraded to a Director position in light of Dr. Maratea’s scientific and managerial experience.

17. On or about November 15, 2002, Dr. Maratea was offered the position, and she accepted it on November 25th.

18. On Dr. Woghiren’s calendar year 2002 employment evaluation, he received an overall rating of “4” which was a determination that he “exceeded expectations.”

19. On January 3, 2003, Dr. Maratea began her employment at Wyeth’s Andover facility as the Director of QC AS&T. In this position, she was Dr. Woghiren’s supervisor.

20. On April 22, 2004, Dr. Maratea placed Dr. Woghiren on a Performance Improvement Plan.

21. On April 23, 2004, Dr. Woghiren filed a charge of race discrimination against Wyeth and Wyeth BioPharma with the Massachusetts Commission Against Discrimination.

22. On June 2, 2004, Dr. Maratea decided to extend Dr. Woghiren’s Performance Improvement Plan to June 17, 2004.

23. On July 7, 2004, Dr. Woghiren was provided a memorandum the subject of which was to put him “On Notice” of a written warning of his alleged performance deficiencies.

24. On September 22, 2004, Dr. Maratea determined that Dr. Woghiren’s employment with Wyeth should be terminated.

25. On September 24, 2004, Dr. Woghiren was terminated from Wyeth.

26. On the date of his termination from Wyeth, Dr. Woghiren was earning an annual salary of \$98,272 (ninety eight thousand, two hundred and seventy two dollars) or \$1,889.85 per week.

27. Dr. Woghiren was unemployed for approximately 35 (thirty-five) weeks.

28. During the period he was unemployed, Dr. Woghiren collected unemployment compensation as allowed by law in the amount of \$533 per week for 26 weeks, a total of \$13,858.

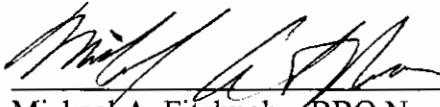
29. Dr. Woghiren obtained employment at Inhibitex, 9005 Westside Parkway, Alpharetta, GA on June 1, 2005, and is currently employed there. His position is Manager, QC Biochemistry and his base salary is \$105,000 (one hundred and five thousand dollars) per year.

Respectfully submitted,  
**CLEMENT WOGHIREN**  
By His attorney:

  
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Respectfully Submitted,  
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